

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

AUG 10 2005


CLERK

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LISA HARRIS,

Plaintiff,

vs.

BROADSPIRE SERVICES, INC.,
and UNITED PARCEL SERVICE,

Defendants.

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CIV. NO. 05-5064

COMPLAINT

* * *

COUNT I.

1. At present Plaintiff Lisa Harris is still an employee of United Parcel Service.

2. As part of her employment and by contract with Defendant United Parcel Service, Plaintiff was entitled to certain benefits, including but not limited to short and long term disability benefits paid and administered by Defendant Broadspire Services, Inc.

3. Plaintiff has been limited from performing her material and substantial duties of her regular occupation because of a non-occupational illness or injury.

4. Pursuant to contract with United Parcel Service, Plaintiff is entitled to past and future disability payments from Broadspire Services, Inc. since June 8, 2004 as she is unable to perform the material substantial duties of her regular occupation.

COUNT II.

5. There is an absence of a reasonable basis for denial of Plaintiff's claim and Broadspire and United Parcel Service knew

that there was a lack of reasonable basis for the denial of the claim and have acted in complete disregard as to whether or not a reasonable basis existed for the denial of the benefits and a complete disregard of Plaintiff's rights to compensation.

6. As a result of the denial of Plaintiff's claim and the deliberate actions of Defendant, Plaintiff has suffered embarrassment, humiliation, loss of financial reputation, emotional distress and suffering, loss of use of the proceeds that should have been paid, and suffering the indignities of incurred debt.

7. Defendant's breach of duty to Plaintiff was oppressive, malicious and in reckless disregard of the right of Plaintiff entitling her to punitive damages.

Wherefore, Plaintiff demands judgment against Defendants for:

- a. Compensatory damages in an amount to be determined by the jury;
- b. Punitive damages;
- c. Attorneys fees, costs and disbursements;
- d. Prejudgment interest;
- e. And for such other relief as the court may deem just.

DEMAND FOR JURY TRIAL

Plaintiff demands trial by jury on all issues so triable.

DATED this 8 day of August, 2005.

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